

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

v.

JOSEPH BAPTISTE,

Defendant.

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Criminal No.: 17-10305-ADB-MPK

JOINT STATUS REPORT

Pursuant to Local Rule 116.5(b), the parties hereby file the following status report prepared in connection with the status conference scheduled for February 26, 2018.

(1) Status of Discovery

The government has twice produced discovery in various formats and has requested reciprocal discovery from the defendant. For unknown technical reasons, the defendant has been unable to access these materials notwithstanding the different formats on which they have been produced. Undersigned counsel discussed the access issues on February 23, 2018 and the government anticipates reproducing the discovery on a third medium on February 26, 2018.

(2) Additional Discovery

The government does not anticipate providing additional discovery. The government has provided the defendant with a declination letter pursuant to Local Rule 116.6. The defendant has indicated that he intends to challenge the government's declination.

(3) Timing of Additional Discovery Requests

As noted above, the defendant has not yet reviewed the discovery provided by the government. Accordingly, it is premature to decide what, if any, additional discovery requests will be made.

(4) Protective Orders

Currently, protective orders are not anticipated by the parties. Should that change, the parties will address those issues promptly.

(5) Pretrial Motions

As noted above, the defendant has not yet reviewed the discovery provided by the government. Accordingly, it is premature to decide whether the defendant will file pretrial

motions under Fed. R. Crim. P. 12(b). In light of the delay, the government requests the Court schedule a briefing schedule at the upcoming status conference in the event that, upon review of the discovery, defendant chooses to file any such motion.

(6) Expert Discovery

The government agrees to provide any expert witness disclosures 30 days prior to trial. The defendant agrees to provide any expert witness disclosures 15 days prior to trial.

(7) Insanity, Public Authority, and Alibi Defenses

The defendant does not anticipate asserting either insanity, public authority, or alibi as a defense.

(8) Speedy Trial Act

The parties respectfully request the Court exclude the time from February 26, 2018 through and until the date of the next status conference, under 18 U.S.C. § 3161(h)(7)(A), to permit the defendant to review the discovery in this case. The ends of justice served by this exclusion outweigh the interests of the public and the defendant in a speedy trial.

(9) Plea Discussions and Estimated Trial Length

The parties have not engaged in further plea discussions after the defendant withdrew from his prior plea agreement. The government estimates that a trial is likely to last approximately two to three weeks.

(10) Additional Interim Status Conference

The parties respectfully request that the Court schedule another Interim Status Conference to occur in approximately 45 days, or as soon thereafter as is convenient for the Court.

Respectfully submitted,

ANDREW E. LELLING
United States Attorney

Date: February 23, 2018

By: /s/ Jordi de Llano
Jordi de Llano
Assistant United States Attorney

Date: February 23, 2018

By: /s/ Donald LaRoche
Donald LaRoche
Counsel for Joseph Baptiste

CERTIFICATE OF SERVICE

I, Jordi de Llano, hereby certify that the foregoing was filed through the Electronic Court Filing system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

Date: February 23, 2018

/s/ Jordi de Llano
Assistant United States Attorney